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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
VAN BRAMER, JOHN W	

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
07/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/915,838	JANAKIRAMAN ET AL.	
	Examiner	Art Unit	
	JOHN VAN BRAMER	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on April 7, 2009 cancelled no claims. No new claims were added and Claim 1 was amended. Thus the currently pending claim is Claim 1.

Specification

2. The amendment to the Specification dated April 7, 2009 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evolutionary Banners (Gatarski “Evolutionary Banners, exploring a generative design approach", Generative Art ’98 Conference Paper, December 1998, pgs 1-20 (hereafter referred to as Conference 98) and (Gatarski, “Evolutionary Banners, An Experiment With Automated Advertising Design", COTIM-99 Conference Paper, Sept 1999, pgs 1-9 (hereafter referred to as Conference 99) in view of Lazarus et al. (U.S. Patent Number: 6,134,532) in further view of Cok (U.S. Patent Number: 5,185,808)

Claim 1: Evolutionary Banners discloses a method for dynamically generating targeted electronic advertisements comprising the steps of:

a. Providing a first data object repository containing a plurality of human model still image data objects, each of said human model still image objects being indexed traits(Conference 98: Page 9, lines 21-28; Page 10, Figure3; Page 13, Table 1; Page 13, line 4 through Page 14, line 12; Page 14, Figure 6; Page 15, Figure 7; and Page 18, lines 13-19) (Conference 99: Page 2, lines 22-39; Page 3, lines 7-26; and Page 6, line 27 through Page 7, line 17)

b. Providing a second data object repository containing a plurality of advertisement message still image data objects, said advertisement message still image data objects containing a plurality of differing advertisement messages and being devoid of human model images, said second data object repository being separate from said first data object repository, said advertisement message still image data objects being indexed traits.. (Conference 98: Page 9, lines 21-28; Page 10, Figure3; Page 13, Table 1; Page 13, line 4 through Page 14, line 12; Page 14, Figure 6; Page 15, Figure 7; and Page 18, lines 13-19) (Conference 99: Page 2, lines 22-39; Page 3, lines 7-26; and Page 6, line 27 through Page 7, line 17)

c. Responsive to a web page request from a user of a web browser. (Conference 98: Page 5, lines 5-7; and Page 18, lines 13-19) (Conference 99: Page 2, lines 22-39; Page 3, lines 7-26; and Page 6, line 27 through Page 7, line 17)

d. Selecting a human model still image data object from said first data object repository. (Conference 98: Page 9, lines 21-28; Page 10, Figure3; Page 13, Table 1; Page 13, line 4 through Page 14, line 12; Page 14, Figure 6; Page 15, Figure 7; and Page 18, lines 13-19) (Conference 99: Page 2, lines 22-39; Page 3, lines 7-26; and Page 6, line 27 through Page 7, line 17)

e. Selecting an advertisement message still image data object from said second repository. (Conference 98: Page 9, lines 21-28; Page 10, Figure3; Page 13, Table 1; Page 13, line 4 through Page 14, line 12; Page 14, Figure 6; Page 15, Figure 7; and Page 18, lines 13-19) (Conference 99: Page 2, lines 22-39; Page 3, lines 7-26; and Page 6, line 27 through Page 7, line 17)

f. Overlaying said selected human model still image data object on top of said selected advertisement message still image data object, wherein a single composite electronic advertisement still image data object is dynamically generated. (Conference 98: Page 9, lines 21-28; Page 10, Figure3; Page 13, Table 1; Page 13, line 4 through Page 14, line 12; Page 14, Figure 6; Page 15, Figure 7; and Page 18, lines 13-19) (Conference 99: Page 2, lines 22-39; Page 3, lines 7-26; and Page 6, line 27 through Page 7, line 17)

g. Subsequent to said overlaying, transmitting said single composite electronic advertisement still image data object to said web browser. (Conference 98: Page 9, lines 21-28; Page 10, Figure3; Page 13, Table 1; Page 13, line 4 through Page 14, line 12; Page 14, Figure 6; Page 15, Figure 7; and Page 18, lines 13-19)

(Conference 99: Page 2, lines 22-39; Page 3, lines 7-26; and Page 6, line 27 through Page 7, line 17)

h. Displaying said single composite electronic advertisement still image data object to said user by said web browser. (Conference 98: Page 9, lines 21-28; Page 10, Figure3; Page 13, Table 1; Page 13, line 4 through Page 14, line 12; Page 14, Figure 6; Page 15, Figure 7; and Page 18, lines 13-19) (Conference 99: Page 2, lines 22-39; Page 3, lines 7-26; and Page 6, line 27 through Page 7, line 17)

While Evolutionary Banners disclose in Conference 99, Page 7, lines 22-24 that the methodology used is geared for mass advertising, the same citation discloses that future work should be directed towards customization and one-to-one marketing. Evolutionary Banners further discloses in Conference 98, Page 17, lines 21-24 that it is important to understand how content design can be included in future GA approaches. Given that Evolutionary Banners is directed towards mass advertising it does not disclose a situation in which :

a. The individual objects in the first and second data repositories that are used to create the Evolutionary Banners have traits which include one or more demographic image characteristics selected from the group consisting of ethnic appearance, age appearance, gender appearance, and income level appearance or traits that are indexed to at least one advertisement effectiveness data table by said demographic image characteristic

b. A plurality of visitor identification data items selected from the group consisting of a user identification, a user's ethnic background, a user's age, a user's gender, and a user's income level are received when a web page is requested.

c. Matching one or more of said visitor identification data items to said indexed demographic image characteristics and matching more or more said visitor identification data items to said indexed demographic characteristics.

However, the analogous art of Lazarus discloses a method for the optimal adaptive matching of users to the most relevant entity and information in real time. The disclosed method includes assigning objects with textual descriptions regarding the type of object it is in and stores it in an entity vector as disclosed in Col 8, line 58 through Col 9, line 19. The method further discloses gathering user profile information including demographic parameters for users and storing the information in a profile vector as disclosed in Col 20, line 63 through Col 21, line 14. During operation the entity vectors which describes various objects and the profile vectors are analyzed to determine which objects to display to the user as summarized in Col 25, line 41 through Col 26, line 30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for Evolutionary Banners to include traits such as demographic image characteristics, and effectiveness data as disclosed by Lazarus in the object traits assigned to individual objects that make up the banner of Evolutionary Banners, as well as to identify individual users in the manner disclosed by Lazarus and to determine or match the individual banner objects with the identified user in order to develop an advertisement that is

customize or geared towards a one-to-one marketing approach. The rational for combining the reference in this manner is that Evolutionary Banners discloses the need to customize its advertising to achieve a one-to-one marketing approach (Conference 99, Page 7, lines 22-24) and how important it is to include content design in future GA approaches (Conference 98, Page 17, lines 21-24), while The Lazarus disclosure describe a method of identifying individual objects that will allow this need to be realized.

While Evolutionary Banners and Lazarus do disclose the dynamic generation of a single composite electronic advertisement still image data object it is not specifically stated that edge smoothing is used in the dynamic creation process. The applicants specification indicates in paragraph [0039] that edge smoothing is a basic image processing technique. Thus it is clear that edge smoothing was well known at the time the invention was made. None the less, the prior art of Cok discloses in Col 1, lines 18-37; Col 1, lines 57-68; Col 3, lines 36-56; and Col 6, lines 5-29 the use of edge smoothing in the creation of single composite digital images. Therefore, it would have been obvious to one or ordinary skill in the art at the time the invention was made to include the edge smoothing process of Cok in the dynamic generation of the single composite electronic advertisement generation process of Evolutionary Banners and Lazarus. The rational for including such an edge smoothing process in order to eliminate undesirable boundary artifacts created when two or more images are combined to form a composite image. (Cok: Col 1, lines 18-27; and Col 1, lines 58-64).

Response to Arguments

5. Applicant's arguments, filed April 7, 2009, with respect to amended claim 1 have been considered but are moot in view of the new ground(s) of rejection. However, based upon the argument presented it appears that the applicant is misinterpreting the examiners application of the Evolutionary Banner as prior art. The applicant states that it is well known that when a web browser receives multiple images for a single web page, it prepares a viewable screen image in video memory which presents overlaid images on top of others. While this statement is correct in light of the operation of a web page and the application of HTML tags to create a viewable image of the web page itself, this is not the process being disclosed by Evolutionary Banners that is used in rejecting the claims. Evolutionary Banners disclosure upon which the examiner relies is directed towards the creation of a banner ad prior to the sending of the banner ad to the user viewed web page. The banner ad is created from multiple images, see Fig 6, page 14 and table 1, page 13 of the Conference 98 disclosure. Upon each specified quadrant of each banner ad is overlaid with image objects such as those disclosed in table 1, to dynamically create a single composite electronic advertisement still image data object. This single composite electronic advertisement still image data object is then sent to the user via a web page.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN VAN BRAMER whose telephone number is (571)272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.V.
/J. V./
Examiner, Art Unit 3622

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622